



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 20 2015

Mr. Richard McGehee
P. O. Box 2725
Elizabethtown, Kentucky 42702-2725

Dear Mr. McGehee:

Thank you for your July 29, 2015, email to Ms. Gina McCarthy, Administrator of the U. S. Environmental Protection Agency, concerning the protection of Gaither Spring near Elizabethtown, Kentucky. Your email was forwarded to the EPA Region 4 office in Atlanta, Georgia for response.

The EPA has a non-regulatory Source Water Protection/Wellhead Protection Program that encourages local entities to protect their drinking water sources. As part of this process, the Kentucky Division of Water requires that each public drinking water system prepare a source water assessment and that the assessment is updated every five years. Mr. Chris Yeary manages the Kentucky Wellhead Protection Program and is a good source of information about the State's program. He is aware of your concerns regarding Gaither Spring. Mr. Yeary may be reached at 502-564-3410.

At this time, the Kentucky Rural Water Association (KRWA) is assisting the Hardin County Water District #2 with the update of the Gaither Spring Source Water Assessment. The EPA contacted the KRWA and made them aware of your concerns about zoning changes within the delineated protection area for Gaither Spring. The EPA also contacted Mr. Shaun Youravich, Operations Manager for the Hardin County Water District #2, about your concerns. Mr. Youravich shares your concerns about protecting Gaither Spring and he is working with the Hardin County Planning and Development Commission to address the local land use issues. I recommend that you work with Mr. Youravich and the Commission to address your concerns regarding future land use decisions. Source Water Protection zoning decisions are local issues in which the EPA has no regulatory authority. Mr. Youravich may be reached at 270-737-1056.

The EPA is certainly concerned about protection of sources of drinking water, and you are correct that the EPA may exercise its discretion to take corrective actions under Section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, when there is a threat to drinking water. To apply the authority granted under Section 1431, three conditions must be met; first, the EPA must have information that a contaminant is present in, or likely to enter a Public Water Supply or Underground Source of Drinking Water; second, that the contaminant may present an "imminent and substantial endangerment" to human health; and third, that the appropriate State and local authorities have not acted to protect public health. All three conditions must be met before the EPA can take an action under Section 1431. The purpose of a Section 1431 action is to prevent an impending dangerous condition from materializing, or to reduce or eliminate a dangerous situation once it has been discovered.

In the case with Gaither Spring, the anticipated threat to the health of persons from contamination from future construction of an industrial park does not provide the EPA with information to determine that an imminent and substantial endangerment to human health exists. Additionally, the EPA has been advised

that the Hardin County Water District #2 is updating its Source Water Protection Plan and working with the local government to ensure that the source water for the public water system is not contaminated by future construction. Therefore, in this case, it is not appropriate for the EPA to exercise its authority under Section 1431 of the SDWA.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If we may be of further assistance, please contact Mr. Robert Olive at 404-562-9423.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', with a stylized flourish extending to the right.

James D. Giattina

Director

Water Protection Division



Correspondence Management System

Control Number: AX-15-000-8031

Printing Date: June 09, 2016 11:03:24



Citizen Information

Citizen/Originator: McGehee, Richard

Organization: N/A

Address: Post Office Box 2725, Elizabethtown, KY 42702-2725

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-15-000-8031 **Alternate Number:** EK302020774US
Status: Closed **Closed Date:** Apr 28, 2015
Due Date: May 6, 2015 **# of Extensions:** 0
Letter Date: Apr 19, 2015 **Received Date:** Apr 22, 2015
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Gaither Spring Public Water Supply
Instructions: (b) (5)
Instruction Note: N/A
General Notes: N/A
CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|----------------------|--------|----------|---------------|-------------|---------------|
| (b) (6) | | (b) (5) | Apr 22, 2015 | May 6, 2015 | N/A |
| Instruction: (b) (5) | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|----------|--------|----------|---------------|
| | | (b) (5) | |

History

| Action By | Office | Action | Date |
|-----------|--------|---------|--------------|
| (b) (6) | | (b) (5) | Apr 22, 2015 |
| | | | Apr 28, 2015 |



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Control Number: AX-15-000-8031

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| Action By | Office | Action | Date |
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| (b) (6) | | (b) (5) | Apr 28, 2015 |
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Comments

| Commentator | Comment | Date |
|-------------|---------|------|
| | (b) (5) | |



Correspondence Management System

Control Number: AX-15-001-2042

Printing Date: June 09, 2016 09:24:42



Citizen Information

Citizen/Originator: McGehee, Richard

Organization:

N/A

Address:

Post Office Box 2725, Elizabethtown, KY 42702-2725

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-15-001-2042

Alternate Number: N/A

Status: Closed

Closed Date: Aug 21, 2015

Due Date: Aug 20, 2015

of Extensions: 1

Letter Date: Jul 28, 2015

Received Date: Jul 29, 2015

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: Division Director, R4-WPD

Signature Date: Aug 20, 2015

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Gaither Spring Public Water Supply Will Lose Protection Unless The U.S. EPA Intervenes

Instructions: (b) (5)

Instruction Note: N/A

General Notes: Assigned to WPD for response.

CC: N/A

Lead Information

Lead Author:

(b) (6)

Office:

R4-WATPD-SDWB

Due Date:

Aug 20, 2015

Assigned Date:

Aug 13, 2015

Complete Date:

N/A

Instruction:

(b) (5)

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
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| (b) (6) | (b) (5) | R4 | Jul 29, 2015 | Aug 20, 2015 | Aug 21, 2015 |
| Instruction: | | | | | |
| (b) (5) | | | | | |
| (b) (6) | (b) (5) | R4-WATPD | Jul 29, 2015 | Aug 20, 2015 | Aug 21, 2015 |
| Instruction: | | | | | |
| (b) (5) | | | | | |



Correspondence Management System

Control Number: AX-15-001-2042

Printing Date: June 09, 2016 09:24:42



Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
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| (b) (6) | (b) (5) | | Aug 13, 2015 | Aug 20, 2015 | Aug 21, 2015 |
| Instruction: N/A | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|----------|---------|----------|---------------|
| | (b) (5) | | |

History

| Action By | Office | Action | Date |
|-----------|--------|---------|--------------|
| (b) (6) | | (b) (5) | Jul 29, 2015 |
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Comments

| Commentator | Comment | Date |
|-------------|---------|--------------|
| (b) (6) | (b) (5) | Aug 13, 2015 |
| | | Aug 14, 2015 |



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|-------------|---------|--------------|
| | (b) (5) | |
| (b) (6) | | Aug 20, 2015 |